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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding Observations of the Committee on the
Elimination of Racial Discrimination

Colombia

1. The Committee considered the sixth and seventh periodic reports of Colombia (CERD/C/257/Add.1) at its 1135th and 1136th meetings (CERD/C/SR.1135-1136), held on 29 February and 1 March 1996, and adopted at its 1149th meeting, held on 11 March 1996, the following concluding observations.

A. Introduction

2. The Committee expresses appreciation for the opportunity to continue the dialogue with the State party on the basis of its sixth and seventh periodic reports. It regrets, however, that the report did not provide concrete information on the implementation of the Convention in practice and therefore did not fully comply with the State party's obligations under article 9 of the Convention. The Committee also noted that many concerns and recommendations expressed during previous dialogues between the State party and the Committee remained unanswered.

3. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such declaration be considered.

B. Factors and difficulties impeding the implementation of the Convention

4. It is recognized that the climate of generalized violence linked to the guerilla war, the narco-trafficking and the existence of paramilitary armed groups impedes the full implementation of the Convention.

C. Positive aspects

5. The recent legislative and institutional measures adopted by the Government of Colombia to bring the national legislation into closer conformity with the Convention and to enhance the protection of the human rights of indigenous and Afro-Colombians are welcomed. In that connection, note is taken of the adoption in 1991 of the new Constitution, in 1993 of Law No. 70, and of the creation of the Directorate of Black Community Affairs within the Ministry of Home Affairs.

D. Principal subjects of concern

6. The lack of reliable statistical and qualitative data on the demographic composition of the Colombian population and on the enjoyment of political, economic, social and cultural rights by the indigenous and the Afro-Colombian people makes it difficult to evaluate the results of different measures and policies.

7. It is also noted that the report did not provide information on indicators and other mechanisms aimed at evaluating the governmental policies for the protection of the rights of indigenous and Afro-Colombian communities, including the land use and ownership policies.

8. Particular concern is expressed at the lack of effective implementation of policies aiming at guaranteeing to indigenous and Afro-Colombian communities the control of the quality of their environment and the exploitation of their territories.

9. Concern is expressed once again that the State party has not implemented the provisions contained in article 4 of the Convention, which call for the enactment of specific penal legislation. It is stressed that the State party's obligation under article 4 of the Convention is mandatory and should be fully implemented.

9 (a). Particular concern is expressed over reports that the rights of indigenous persons have been violated by men in uniform.

10. Serious concern is expressed at the lack of implementation of article 5 of the Convention. It is noted that various corroborating sources of information indicate the persistence in the Colombian society of structural discriminatory attitudes towards the indigenous and Afro-Colombian communities, appearing at various levels of the political, economic and social life of the country. Those discriminatory attitudes relate, among others, to the right to life and the security of persons, political participation, educational and occupational possibilities, access to basic public services, the right to health, the right to adequate housing, the application of the law, land ownership and use.

11. As regards implementation of article 6 of the Convention, concern was expressed that the insufficient information provided concerning cases of judicial remedy for acts of racial discrimination does not allow it to undertake proper evaluation.

E. Suggestions and recommendations

12. The Committee requests the Government of Colombia to provide in its next report detailed and accurate information addressing the concerns expressed by the Committee.

13. The Committee recommends that efficient mechanisms be immediately created by the Government to coordinate and evaluate the various policies of protection of the rights of indigenous and Afro-Colombian communities, including their institutional aspects. Such mechanisms should promote full enjoyment of all human rights by the members of these communities and guarantee their life and security, as well as real and adequate participation by representatives of these communities in public life.

14. The Committee reaffirms that the provisions of article 4 are mandatory, as stated in its general recommendation VII (32). The Committee stresses that Colombia should carry out all its obligations under the mandatory provisions of the Convention. In doing so, the Government should also take into account general recommendation XV (42) of the Committee.

15. The Committee expects the State party to continue and to strengthen its efforts to improve the effectiveness of measures and programmes aimed at guaranteeing to all groups of the population the full enjoyment of their political, economic, social and cultural rights. The Committee also recommends to the State party to give the necessary attention to the migration processes, including by undertaking large-scale awareness-raising programmes oriented towards human rights and tolerance, in order to avoid social and racial prejudices and discrimination.

16. The Committee recommends that particular attention be paid to the problem of unlawful orders in the military, police and law enforcement agencies. Instances of unlawful orders issued and carried out should be investigated and those found to have committed illegal actions should be punished. Impunity should be eliminated. These matters should also be covered in the training programmes of the agencies mentioned.

17. The Committee recommends a stronger commitment on the part of the Government of Colombia to defend the basic rights of indigenous and Afro-Colombian communities as far as the use and ownership of their land is concerned.

18. The Committee further recommends that the next periodic report of Colombia contain detailed information on cases of judicial remedy for acts of racial discrimination.

19. The Committee suggests that the State party intensify its cooperation with the technical assistance programme of the United Nations Centre for Human Rights, including for the training of those involved in activities related to human rights and for the education of the younger generation.

20. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted by the 14th meeting of States parties.

21. The Committee recommends that the State party's next periodic report, due on 2 October 1996, be an updating report and that it address all the points raised in the present observations.